

TIVERTON TOWN COUNCIL AGENDA

Tiverton Town Hall

343 Highland Road

Tiverton, Rhode Island 02878

Regular Meeting: Monday, December 12, 2011 at 7:00 p.m.

NOTE: Individuals requesting interpreter services for the hearing impaired must contact the Town Clerk's Office at 343 Highland Road or call (401) 625-6704 forty-eight (48) hours in advance of the meeting date.

DATE POSTED: 12-08-2011

1. PLEDGE OF ALLEGIANCE TO THE FLAG

2. ROLL CALL

Jay Lambert-President David M. Nelson

Cecil E. Leonard-Vice President Brett N. Pelletier

Joan B. Chabot Edward Roderick

Robert D. Coulter

3. APPROVAL OF CONSENT AGENDA

All items listed with a (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests, in which event the item will be

removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

CLOSED EXECUTIVE SESSION

1. Code Enforcement Officer Gareth Eames – Personnel – 42-46-5(a)(1)- Job Performance

Notice Provided

2. Town Solicitor – 42-46-5(a)(2) – Litigation - Opinion Letter to Auditor

4. A. BUSINESS BROUGHT BEFORE THE COUNCIL

CONSENT AGENDA:

(C.A.) 1. a. Approval of Minutes from Executive Session on November 28, 2011

(C.A.) 2. Receipt of Minutes from the Following Boards, Commissions

a. Art Council

b. Recycling/Landfill Committee

c. Street Committee (2)

d. Personnel Board (4)

e. Historic Preservation Advisory Board

f. Planning Board (3)

(C.A.) 3. Correspondence – Receive and File

- a. **Resolution in Support of Legislative Initiative to Amend RIGL 17-11-1 “An Act Relating to Elections-Voting Districts and Officials” Received From Jamestown Town Council**
- b. **Received From William Gerlach Regarding Old Ranger School – Previously Distributed on November 28th Meeting**
- c. **Received From South Kingston Town Council Regarding Tiverton’s Resolution on Statewide Pension Reform and Their Support for the Amended Pension Reform Bill**

(C.A.) 4. Approval of Tax Assessor Abatements

(C.A.) 5. Town Clerk – Extension of Moratorium on Bay Street Area to June 30, 2012

(C.A.) 6. Kate Michaud, Administrative Officer – November Activities Report

**(C.A.) 7. Town Clerk – Advertise Public Input Hearing on January 9, 2012 for Fee Schedule Resolution
and Possible Amendments Including Mooring Fees**

(C.A.) 8. Town Administrator/Town Treasurer – Other Post Employment Benefit Report (OPEB) –

**Distributed For Review and Formulation of Questions for
January Meeting With Preparer**

**(C.A.) 9. Town Clerk – Council Approval of Charter as Amended on
November 8, 2011 to be Forwarded to
Legislators for Ratification in January Session**

A-1 OPEN PUBLIC FORUM

Public Forum for Announcements, Comments, Questions

B –PUBLIC HEARINGS & PUBLIC PRESENTATIONS

C. BOARD OF LICENSING

PUBLIC HEARING - ADVERTISED

**1. Joseph Faria, Susan’s Restaurant , 13 Crandall Road – Request BV
(Full) Liquor License– Subject to Meeting All Legal Requirements**

**NON ADVERTISED LICENSE RENEWALS (December 1, 2011 to
November 30, 2011)**

**2. Fu Li Hua Corp, d/b/a Asian Gourmet – 1715 Stafford Road –
Request for Victualling License Subject To Meeting All Legal
Requirements**

D - APPOINTMENTS & RESIGNATIONS:

**1. Newport & Bristol County Convention & Visitors Bureau
Request for Appointment –**

a. Barbara F. Pelletier, 104 Bonniefield Drive-Previously Interviewed

b. Peggy Siebrandt, 3831 Main Road-Previously Interviewed

Correspondence Received From Peggy Siebrandt and

Tiverton Four

Corners Merchants Association

c. Request for Appointment From David E. Stewart, 593 Highland

Road

E - UNFINISHED BUSINESS:

1. Councilor Coulter – Request Formal Report of Town Treasurer and Town Administrator Detailing Custody of Funds and Related Communications Regarding Fall River Tuitions – Referred to Town Administrator and Town Treasurer – Continued From November 28th

a. Further Response by Town Treasurer

2. Councilor Lambert and Councilor Coulter – Discussion and Possible Vote on Disposition of Community Center – Continued From November 28th Meeting

a. Memorandum From Christopher Spencer, Town Planner Regarding Usage of Community Ctr

b. Town Administrator Response on Possibility of Leasing Vacant Bank Building

3. Councilor Leonard – Wind Turbine and Industrial Park Issues

Present Issues Pertaining to Wind Turbine Installation in the Industrial Park and Other Areas of Tiverton for Council Discussion

and Possible Vote on One or More Issues – Continued From November 28th Meeting

a. Councilor Leonard Handout Previously Distributed

b. Article From Bangor Daily News Dated September 22, 2011

4. Councilor Leonard – Request Town Administrator Provide More Detail Financial Impact Statement on Teamster Contract – Continued From November 28th Meeting –

a. Town Administrator Response

5. Town Administrator – PAYT Free Bag Program – Suggested Guidelines and Verification Process To Qualify for Free Bags – Continued From November 28th for Additional Information

a. Town Administrator's Response

b. Councilor Pelletier – Memorandum Regarding Tiverton's Demographics and Low Income Guidelines/Affordability

And Comments on Needs-Based Programs in Town as They Relate To PAYT Bags and

Elderly Real Estate Exemptions

F – FINANCIAL BUSINESS:

1. DPW Director – Request Transfer From Account #553-442 (Landfill Cover) to Account #450-457 (Rubbish & Recycling Collection) for \$17,900

G - NEW BUSINESS:

- 1. Town Administrator – Distribution of Provisional Budget FY 12-13**
- 2. Councilor Coulter – FY 2012-13 Budget- Discussion of General Process, Provide Administrator with Goals/Guidance on Substance and Docket Structure and Review Timeline/Expectations for Related Information**
- 3. Councilor Lambert – Discussion of School Department Sewer Treatment Facility**
 - a. Emails Received By Town Solicitor**
- 4. Councilor Lambert – Press Communications – Review of Town Administrator's Announced Policy for Press Communications and Possible Vote**
- 5. Councilor Coulter – Review Updated Draft of Policy: Boards, Commissions, and Committees**

Consider for Adoption and Implementation Commencing January 2012
- 6. Councilor Pelletier – Request to Revisit Proposal to Assign an Informal Town Council Liaison to Major Boards and Commissions**
- 7. Councilor Pelletier – Request Town Administrator Provide an**

Update on the Revaluation Project and Current Exemption Process

8. Councilor Coulter, Lee Hoyer –Introduce Concept of Town Council Ad Hoc Library Coordination Committee

9. Councilor Lambert – Discussion and Possible Vote Regarding Waiving of PAYT Bags for Pickup Week of 12/26/11 to 12/31/11

10. Councilor Chabot – Town Personnel Manual – Request Town Administrator Provide Target Dates for Completion of Each Section of the Town Personnel Manual by December 12, 2011 – Referred to Town Administrator

11. Councilor Coulter – Proposed Policy: Provide Public with Notice and Opportunity to Give Feedback throughout Contract Negotiation Process

12. Councilor Pelletier – Request Town Administrator Report on the Activities, Priorities and Areas of Focus of the Planning Board, Tiverton Charter: Article X, Section 1001 Attached – Referred to Town Administrator for Report January 23, 2012

13. DPW Director/Street Committee – Request Council Vote on Recommendation of DPW Services for Adelard Avenue, Clair Avenue, Murray Way and Grandview Avenue

H – BIDS AND REQUESTS FOR PROPOSALS

I - TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS

- 1. Town Administrator – Request Council Review For Any Additional Questions if Desired on Police Pension Actuary Report**

J – COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS

K – TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS

- 1. Brief Update on Tiger Tree/James Pelletier v Tiverton**
- 2. Tiverton School Committee v. Town of Tiverton**
- 3. Campbell et al v Town of Tiverton (TYC)**
 - a. Tiverton's Memorandum of Law on Adequacy of Notice**
 - b. Memorandum of Law by Intervener TYC in Opposition to Plaintiffs' Motions for Summary Judgment on Limited Issue of Whether There Was a Defect In The Form of The Zoning Amendment Notice**
 - c. Plaintiffs Post Hearing Memorandum Regarding Enactment of Floating Zone and Compliance With RIGL 45-24-53**
 - d. Memorandum of Plaintiffs Moran and Eileen Moran on Issue of Defective Misleading Notice Under RIGL 45-24-53(f)**

L- TOWN CLERK ANNOUNCEMENTS

5. CLOSED EXECUTIVE SESSION

A portion of this meeting may be held in executive session pursuant to the Open Meeting Law, Section 42-46-5(a) of the General Laws of Rhode Island, 1956 (1986 Reenactment), as amended

6. ADJOURNMENT Pursuant to RIGL §42-46-6(b). Notice – “Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”